

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Donald L. Gregory,

Civil 04-4836 DSD/FLN

Petitioner,

v.

O R D E R

C. Holinka, Warden,

Respondent.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated August 11, 2005, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's petition for writ of habeas corpus [#1] is DENIED, and this action is dismissed with prejudice; and
2. Petitioner's motion for default judgment [#11] is DENIED.

DATED: August 31, 2005.
at Minneapolis, Minnesota

s/David S. Doty
JUDGE DAVID S. DOTY
United States District Court